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Ref: NPRM, Docket No. FMCSA-2001-9709, Commercial Driver's License Program Improvements.

Content: Written Comments and Requested Adjustments.

Prolog:

I have consistently opposed the idea of "Big Government" expanding its control over our personal lives. The implications of this action does give birth to fears from some of the commercial drivers involved in this industry. However, in light of the agencies study to evaluate the effectiveness and benefits of the CMVSA of 1986, and the subsequent action by congress, the MCSLA of 1999, this action seems appropriate. This action does reaffirm my resolve that it is necessary to establish a National or Federal Motor Carriers Administration. A department to handle all issues concerning the trucking industry involved in interstate commerce. Issues concerning; safety, licensing, taxation, freight handling and transfer, state laws and regulations, labor laws and employee rights.

As one who has worked in the trucking industry as a commercial driver and an owner / driver, I have seen the current system both work and fail. I estimate that I have logged over 600,000 miles in a five year period. I know that currently violations to traffic laws are not always cited and reported to the CDLIS by the individual states. A reasonable person must admit that there are problems within the current system that must be addressed. However, solving these problems cannot be limited solely to regulations applied to the commercial driver. I believe that we must have a broader view of this industry and the means by which we have sought out a higher quality of safety in this industry.

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Comments:

The proposed regulations are not without a major flaw and two elements that will cause more harm to innocent individuals and little to safer highways. Conceptually the regulations are reasonable. Reasonable to expect "points" applied to a driver's license for violations to traffic laws and removal of license for eminent threat. It makes little difference whether or not a driver is in a commercial vehicle or a passenger vehicle. The point system is set up to reflect the bad driving habits of an individual, to protect the safety of others on the highways. Under current conditions one would expect points to be added to a driver's license, for violations to traffic laws, without respect to the type of vehicle one would be operating. However, we must be careful not to go overboard in a scramble to ascertain the safety we desire. In an effort to displace future court challenges to these regulations, I believe that two sections should be revised prior to acceptance.

In Section 383.51: A serious violation is added that seems redundant and will certainly add a second burden to one who is already a victim. I am speaking of the charge; "driving a CMV without a CDL in the driver's possession;". There are laws already in place requiring the driver to appear before a Judge and prove that the driver had the appropriate license at the time he or she was driving the CMV. Also note that the first and third 'serious violations' in this section deals directly with this same situation. Every year hundreds of commercial drivers will be robbed, mugged, have their mobile homes burglarized, or their belongings stolen while in a truck stop. With this new regulation the driver would become a victim twice. First by the perpetrator of a crime against them and second by law. Many drivers would be stranded at the location where they were robbed. Unable to legally return to their home town to acquire a duplicate license. This, I believe, would place an undue hardship on an innocent victim. This undue hardship, I also believe, would add little to nothing to creating a safer highway and workplace.

In Section 384.210: We find the proposed regulation is broad and all encompassing. It is true that some states have 'right to work' laws that allow a loop hole that must be dealt with. It is also true that a driver may lose their privilege to drive for not paying their child support. In this case the driver would appeal to the court for a reinstatement of their CDL privilege in exchange for the payments to the child support recipient. This proposed regulation lacks a clear directive to establish safer highways. It would certainly not enhance highway and workplace safety to keep a driver off of the road for not

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paying their child support on time. (Note: Responsibility may be cultivated through the discipline of work.) This would only prove to place an unwarranted financial burden on the child support recipient. This regulation, as it is, I believe may give place to court actions in the future. We must take care not to create innocent victims in an effort to enhance safer highways and a safer workplace for commercial drivers. In my opinion this regulation should clearly state 'revoked, suspended or canceled for violations to the law that indicate the driver would pose a threat to society while operating a CMV'.

In closing: I feel that these regulations need to be adopted within reason. State compliance is a major problem that must be dealt with. To maintain integrity in this industry the CDLIS must work as it was intended to. We must not allow the fear that the CDL program will fail to spawn unnecessary laws. Unnecessary because they would not be needed if the program worked as it was intended to. The concentration of our efforts at this point, I believe, should be toward realizing the CDLIS and CDL program in effective operation. Please keep in mind, we do not want to create new victims in an effort to create a safer environment on our nations highways and the workplace in this industry.

Humbly Submitted October 22, 2001,

Eric Zephyr